

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

COREY THOMPSON,

Defendants.

2:10-CR-00325-PMP-RJJ

ORDER

Before the Court for consideration is Defendant's Motion to Suppress Statements and Evidence Obtained in Violation of the Fifth and Fourth Amendments (Doc. #93), filed May 16, 2012.

In its Response filed June 15, 2012 (Doc. #104), the Government states that it does not intend to offer during its case in chief any evidence seized pursuant to search warrant on February 17, 2009, from the residence at 820 Levy, Las Vegas, Nevada or Defendant's blue Chevrolet Caprice automobile. As a result, Defendant's Motion to Suppress Evidence Seized Pursuant to Search Warrant will be denied as moot.

The Government further states that it does not intend to offer in its case in chief at trial any statements made by Defendant Thompson to officers of the Las Vegas Metropolitan Police Department made at the time of the search on February 17, 2009. While acknowledging that Defendant Thompson's statements were made without benefit of Miranda rights, the Government maintains Defendant

1 Thompson's statements were nonetheless voluntary, and argues that in the event
2 Defendant Thompson testifies at trial, it reserves the right to use Defendant
3 Thompson's statements made on February 17, 2009 as impeachment evidence. In
4 his Reply Memorandum (Doc. #115), filed June 20, 2012, Defendant Thompson
5 request that if and when the Government seeks to use any of Defendant Thompson's
6 statements made February 17, 2009 as impeachment, it first must advise Defendant
7 and the Court so that a hearing concerning the voluntariness of the statements may
8 be conducted outside the presence of the jury. The Court considers this a sensible
9 accommodation.

10 **IT IS THEREFORE ORDERED** that Defendant's Motion to Suppress
11 Statements and Evidence Obtained in Violation of the Fifth and Fourth Amendments
12 (Doc. #93) is **DENIED**.

13 **IT IS FURTHER ORDERED** that in the event Plaintiff United States
14 seeks to offer any statements made by Defendant Thompson on February 17, 2009
15 as impeachment if Defendant Thompson testifies at trial, prior to doing so the
16 Government shall advise counsel for Defendant and the Court so that a brief hearing
17 may be conducted outside the presence of the jury to address the issue of
18 voluntariness of any such statements made by Defendant Thompson.

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20 DATED: June 21, 2012.

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23 PHILIP M. PRO
24 United States District Judge
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